



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2107756

**Applicant Name:** Bob Robinson for Faith Tabernacle

**Address of Proposal:** 5112 South Kenyon Street

**SUMMARY OF PROPOSED ACTION**

Master use permit to establish use for future construction of a one story, new community center of approximately 2,520 square feet. Surface parking for 8 vehicles to be provided on site.

The following approvals are required:

Administrative Conditional Use - To allow an institution in a single family zone.  
Seattle Municipal Code (SMC) Chapter 23.45.022

**SEPA DETERMINATION:**      ☒ Exempt   ☐ DNS   ☐ MDNS   ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or  
involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site and Vicinity Description**

The site is 60 feet wide and 132 feet deep for a total area of 7,920 sq. ft. The site is currently vacant. The site is flat and is located on South Kenyon Street. The site is a split zone with the west 20 feet zoned Neighborhood Commercial (NC2/40') and the east 60 feet of the site is zoned Single Family (SF5000). The property to the east slopes up from the subject site.

### Area Development

Immediately to the west of the site is a vacant commercial building which in the past was the Colonial House of Pancakes restaurant. To the east of the subject site is single family zoning with a strong residential influence. However, the subject site is only the second lot east of the arterial of Rainier Avenue South, which runs north and south, with NC2/40' and L-3/RC zoning fronting it. The uses along Rainier Avenue South are a mixture of retail, office, medical office, grocery, restaurant, bank, laundry, apartments and parking.

### Proposal Description

The applicant proposes to establish use for future construction of a new, one-story, 2,520 sq. ft. community Center. The proposal is a multi-purpose, non-profit community center for use by the Faith Tabernacle Ministries for counseling services, referral service for housing, social services, and adult education programs. The services include career training, reading and writing skills, math skills, computer skills, CPR and First Aid and Foster Parenting classes. Parking for the community center will be provided in both the Neighborhood Commercial-zone and Single Family-zone portions of the site. To provide ADA required building access, a ramp will be provided to the front entry porch which will allow direct access from the sidewalk into the building. Parking for eight (8) vehicles will be provided in the rear 48.5 feet of the lot and access will be from South Kenyon Street through a ten (10) foot wide driveway. The parking will be for small group meetings. Uses for alternative modes of transportation are also proposed by using public transit, vanpools, carpools, and/or bicycles.

### Public Comment

One public comment letter was received during the comment period, which ended October 24<sup>th</sup>, 2002. That letter raised concerns about more non-residential activity in the area and the possible impact of decreased value of the single family homes in the area.

### **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE**

Community Center is a use permitted outright in Neighborhood Commercial zones. However, an Administrative Conditional Use is required for the Single Family zoned portion of the lot.

### Single Family Zones

The Seattle Land Use Code (SMC 23.44.022.A) provides that institutions such as community centers, child care centers, private schools, religious facilities, public or private libraries, and existing institutes for advanced study or other similar institutions may be permitted as conditional uses in single family zones. Section 23.44.022.A sets forth the following criteria to be used to evaluate and/or condition the proposal:

D. General Provisions

1. *New or expanding institutions in single family zones shall meet the development standards for uses permitted outright in Section 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution Master Plan.*

According to the plans submitted with the application, the proposal meets the applicable development standards enunciated in Section 23.44.008 through 23.44.016 except for dispersion. However, Section 23.44.022E1b provides that a proposed institution may be located less than six hundred (600) feet from a lot line of another institution if the Director determines that the intent of the dispersion criteria is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements such as arterials, freeways or nonresidential uses, which provide substantial separation from other institutions. Dispersion is discussed in detail in the analysis. Therefore, the proposal otherwise meets the applicable development standards in section 23.44.022.A.

E. Dispersion

1. *The lot line of any proposed new or expanding institution, other than child care centers locating in legally established institutions, shall be located six hundred feet (600') or more from any lot line of any other institution in a residential zone, certain exceptions.*

There are two other institutional uses nearby, one about 130 feet to the north and the other about 300 feet to the south. Both have frontage on Rainier Avenue South, in the NC2-40' zone, but extend back into the (SF5000) Single Family zone. The code requires that new institutional uses in Single Family zones be located a least 600 feet from existing institutions in residential zones, unless the intent of this dispersion requirement is satisfied by features such as topographic breaks or intervening arterials.

H. Noise and Odors

*For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, outdoor recreational area, trash and refuse storage areas, ventilating mechanisms, sport facilities, and other noise generating and odor-generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance, Chapter 25.08.*

*In order to mitigate identified noise and/or odor impacts, the Director may require measures such as landscaping, sound barriers or fences, mounding or berming, adjustments to yard or parking development standards, design modifications, setting hours of operation for facilities or other similar measures.*

SMC 23.44.022H requires Institutions to be designed to meet the terms of SMC 25.08 concerning noise control. The proposed facility is expected to be open to the public between

9:00 a.m. and 8:00 p.m., Monday through Friday, and closed weekends and Holidays. There are evening programs that will conclude to allow the facility to be vacated by 8:00 p.m. on these evenings. The program will employ (6) six staff. The staff will be on-site part time with overlapping hours. There will be no increase in the staffing. Due to the limited nature of the routine weekday activities, noise impacts are not anticipated to be significant.

According to the information submitted by the applicant, the community center will be used primarily by the average of (15) fifteen individuals attending training sessions along with the (6) six staff. The only minor increase in noise anticipated will be from vehicular traffic during arrival or departure of the people attending the training sessions and the staff. There is a parking lot to the rear of the community center with parking spaces for (8) eight vehicles. There is Metro Bus service, along Rainier Avenue South, throughout the proposed hours of operation of the Community Center.

The noise levels associated with the Community Center activities is not expected to be significant in comparison to the noises generated by the commercial uses in the general vicinity of the proposal. There is a single family residence adjacent to the community center. This adjacent residential property to the east slopes above the subject site and is separated by a chain link fence. To mitigate potential noise, and for screening and appearance, the applicant will install a (6) six foot high cedar fence along the east and north property lines. Trash and refuse will be stored in the rear yard and away from the property lines adjacent to the community center. Ventilation mechanisms are limited to low volume exhaust fans and residential size mechanical equipment. There are no outdoor recreation areas that will generate noise and odor. No significant odor impacts are anticipated to occur as a result of this proposal.

*I.     Landscaping*

*Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.*

A landscape plan has been included with the project plans. The existing and the proposed landscaping will integrate the site with the adjacent areas. The application complies with the landscaping provisions.

*J.     Light and Glare*

Minimal light and glare impacts are anticipated from the exterior lighting. The existing single family residences to the east and northeast of the site are situated well above the level of the new development. Therefore, the proposal meets the requirements of this section.

*K.     Bulk and Siting*

*Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no such structure other than freestanding walls, fences, bulkheads or similar structures shall be closer than ten feet (10') to the side lot line. The Director may permit yards*

*less than ten feet (10 ft.) but not less than five feet (5 ft.) after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.*

The one story, 2,520 sq. ft. community center lies within a split zone. The east (40) forty feet of the property is Single Family (SF5000) and the west (20) feet of the property is Neighborhood Commercial (NC2-40'). For lots which include more than one zone classification, single family-zone provisions shall apply only to the single family-zoned lot area involved. There is a 10 foot driveway that runs along the east portion of the property and is a 10 foot setback for the Single Family portion of the site.

Upon completion, the entire proposal will be consistent with the residential scale of the zoning for the easternmost portions of the site. At approximately (14') fourteen feet at its highest point, the community center structure is well below the 40 feet allowed in the neighborhood commercial zone and under the maximum permitted height of thirty feet in the adjacent single family zone.

*L.     Parking and Loading Berth Requirements*

- c.     SMC 23.44.022.L provides that the Director may modify the parking and loading requirements of Section 23.54.15, required parking, and the requirements of Section 23.44.016, parking location and access, on a case-by-case basis using the information contained in the transportation plan prepared pursuant to Subsection M of this section. The modification shall be based on adopted City Policies and shall:*

*Provide a demonstrable public benefit such as, but not limited to, reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light and glare; and*

- ii.     Not cause undue traffic through residential streets nor create a serious safety hazard.*

The size of the proposed community center is 2,520 square feet. Parking for (8) eight vehicles will be provided including a van accessible parking space. The one story Community Center structure meets the parking requirements of 23.54.015.

The applicant proposes that the use of alternative modes of transportation will be encouraged for both staff and visitors to reduce the use of single family occupancy vehicles. Access to public transit is excellent, there are three bus routes that pass by the site along Rainier Avenue South, less than two hundred feet from the site. Other options that will be encouraged are vanpools, carpools, and/or bicycles.

*M.     Transportation Plan*

*A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of the structure area and/or required to provide twenty (20) or more spaces.*

The total area for the subject project on completion will be 2,520 sq. ft., which is less than the 4,000 sq. ft. threshold requirement for a transportation plan. Therefore, the requirement for the transportation plan is not applicable.

#### **ADMINISTRATIVE CONDITIONAL USE (23.44.018) GENERAL PROVISIONS**

*C. A conditional use may be approved, conditioned or denied based on a determination of whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

The Department recognizes the public benefit achieved by providing convenient Community Centers in single family zones, but establishes the conditional use process as a mechanism for the screening and mitigation of likely impacts related to the uses. Based on the proposed design, scale, and location, the proposal is determined to not be detrimental to the public's welfare nor injurious to the properties in the vicinity.

*D. In authorizing a conditional use, the Director or Council may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located.*

The community center is a use permitted outright in the NC2-40' zone. Community Centers are permitted as administrative condition uses, through this process, in single family zones. The applicant will install a (6) six foot high cedar fence along the east and north property lines to mitigate noise, light and glare and provide screening for the parking spaces and driveway.

#### **Summary**

As the applicant wisely pointed out, the rear lot lines of the houses on 52<sup>nd</sup> Avenue South form a strong edge to the single family neighborhood, and there is a topographic break at that point, with the site of the proposed community center 10 to 20 feet lower than the elevation of the residential lots on 52<sup>nd</sup> Avenue South. Although the other institutions extend into the Single Family zone, their street frontage is in the NC2-40' zone rather than the SF5000 zone. It is fair to agree that intent of the dispersion requirement is met in these circumstances. The proposal is consistent with Administrative Conditional Use criteria and the Land Use Policies which allow this type of use to be established in single family zones. In conclusion, the criteria for both the general provisions and the specific criteria for institutions not meeting development standards in single family zones have been met and the administrative conditional use will be approved.

#### **DECISION – ADMINISTRATIVE CONDITIONAL USE PERMIT**

The application for an administrative conditional use permit is therefore **CONDITIONALLY GRANTED**, with the conditions noted below..

**CONDITIONS – ADMINISTRATIVE CONDITIONAL USE**

*Prior to the Issuance of any Building Permits*

1. The applicant will install a (6) six foot high cedar fence along the east and north property lines to mitigate noise, light and glare and provide screening for the parking spaces and driveway.

During Construction

The following condition (s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DCLU. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

2. In order to further mitigate the noise impacts during construction, the owner(s) shall limit the hours of construction to non-holiday weekdays between 7:30 A.M. and 6:00 P.M. This condition may be modified by the Department to permit work of an emergency nature or to allow low noise exterior work (e.g., installation of landscaping after approval from the Land Use Planner.

Signature: \_\_\_\_\_ (signature on file) Date: April 21, 2003

Joan S. Carson, Land Use Planner  
Department of Design, Construction and Land Use  
Land Use Services